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EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2655

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,096

Applicant(s)

STOUFFER ET AL.

Examiner

Jakieda R Jackson

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-29, 36-39 and 41-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-29, 36-39, 41-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed December 29, 2004, applicant submitted an amendment filed on March 29, 2005, in which the applicants traversed and requested reconsideration with respect to independent **claims 1, 10, 51 and 55**.

Response to Arguments

2. Applicants argue ^{now} regarding claim 1 that nowhere in Kato disclose "receiving audible input spoken by a user over voice channel of mobile communications network" and "converting the audible input to application data". Applicants argue that at best, the portions identified by the Examiner suggest that a user could provide voice commands to an in-car navigation system. However, by applicants own admission, page 21 of the remarks, applicants explain that Kato recites a "cellular phone, telephone communication link, or the like" (column 7, lines 17-36). Kato further teaches that a wireless communication device such as a handheld telephone, etc. could be alternatively used (column 7, lines 36-39). Therefore, Kato teaches using a mobile communication network, and applicants' arguments are not persuasive.

Regarding claim 10, applicants argue that Kato does not load a second data file corresponding to a second set of localities in which each locality is located within the selected locality. However, applicants' arguments are not persuasive. Kato teaches loading numerous localities (figure 2) and teach the road data file that contains information concerning those roads (figure 4 with column 11, lines 42-46).

Regarding claims 51 and 55, applicants argue that Class loads an entire basic vocabulary from the start, and does not loads more specific data files in turn. Applicant further argues that Class actually teaches away by indicating that ambiguity can result from Class' system (Table 2 at column 17, lines 28-50). However, Class teaches that there are variants that can be done. Once the ambiguity is resolved, the destination location and the street names associated with the destination location can be loaded if necessary (Table 2; column 18, lines 57-64). Class further teaches that possible destination location and street names for the destination location can be loaded if necessary (Table 3, column 19, line 64 – column 20, line 43). Also, a state lexicon, if not already present, can be generated and loaded as a vocabulary into the speech recognition device (column 11, lines 43-46). Therefore, applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 7, 10-11, 13, 15-19, 22, 25-26 and 29** are rejected under 35 U.S.C. 102(e) as being anticipated Kato et al. (Kato et al. 6,101,443), hereinafter referenced as Kato.

Regarding **claims 1 and 15**, Kato discloses a method for obtaining data in a mobile telecommunications network and a system (wireless telecommunication device) for providing voice channel services in a wireless telecommunication network (column 12, lines 53-65), comprising:

- a processor (figure 1, element 1);

- a memory (figure 1, element 3) for storing computer readable instructions, such that when executed (column 5, lines 14-21), the system performs the steps of:

- initiating an application using a data channel (figure 1, elements 30, 28 and 8) of the mobile telecommunication network (column 7, lines 17-39);

- receiving audible input spoken by a user over a voice channel (column 23, line 64 – column 24, line 4) of the mobile telecommunication network (column 7, lines 17-39);

- converting the audible input to application data (column 25, lines 44-46); and

- providing the application data to the application (column 25, lines 46-49).

Regarding **claims 2 and 16**, Kato discloses the method and system, wherein the application data comprises location information (information identifying the location; column 4, lines 39-40).

Regarding **claims 3 and 17**, Kato discloses the method and system, wherein the location information comprises latitude and longitude (column 6, line 52).

Regarding **claims 4, 10 and 18**, Kato discloses the method and system, wherein converting the audible input to application data further comprises the steps of:

loading a first data file (data file F2; figure 2) corresponding to a first set of localities (intersection data file);

comparing a first audible input (comparing information received) to the first data file (remote location) to determine a first selected locality (column 4, lines 36-43 with column 25, lines 46-49); and

loading a second data file (data file F4; figure 2) corresponding to a second set of localities (road data), wherein each of the localities in the second set are geographically located within the selected locality (figure 4 with located in area; column 11, lines 43-46 with column 1, lines 61-63).

Regarding **claims 5, 11, 19 and 26**, Kato discloses the method and system, further comprises:

(d) repeating the comparing and loading steps while a physical location is not yet identified within a predetermined degree of precision (column 3, lines 1-5); and

(e) determining the location based on the selected localities (column 4, line 64 – column 5, line 3).

Regarding **claims 7, 13, 22 and 29**, Kato discloses the method and system, wherein at least one of the sets of localities includes a landmark (figure 2, element, F14) , comprising:

when the selected locality is a landmark, determining location information corresponding to the selected landmark (column 10, lines 7-12).

Regarding **claim 25**, it is interpreted and rejected for the same reasons as set forth in the combination of claims 4 and 15.

5. **Claims 51-53 and 55-57** are rejected under 35 U.S.C. 102(e) as being anticipated by Class et al. (U.S. Patent No. 6,230,132), hereinafter referenced as Class.

Regarding **claims 51 and 55**, Class discloses a method of determining a location and a system for refining a location using a voice channel over a mobile unit, comprising:

a processor (processing control; figure 10, element 8);

a memory (figure 10, element 3) for storing computer readable instructions, such that when executed, the system performs the steps of:

(1) loading a first data file comprising state information (column 3, line 42 with column 4, lines 9-13);

(2) receiving a first audible input from a user (state; column 11, lines 43-46);

(3) comparing the first audible input (compare acoustic input) to the first data file to determine a selected state (location input; column 17, lines 1-17);

(4) loading a second data file comprising a plurality of cities, wherein each city is geographically located at least partially in the selected state (Table 2; column 18, lines 57-64 and Table 3, column 19, line 64 – column 20, line 43 with column 21, lines 25-51);

Regarding **claims 52 and 56**, Class discloses a method and system further comprising:

- (5) receiving a second audible input from the user (city; column 21, lines 29-31);
- (6) comparing the second audible input (compare acoustic input) to the second data file to determine a selected city (location input; column 17, lines 1-17);
- (7) loading a third data file comprising a plurality of streets (figure 9, element 5040), wherein each street is geographically located at least partially in the selected city (figure 9, element 5020);

Regarding **claims 53 and 57**, Class discloses a method and system further comprising the steps:

- (8) receiving a third audible input from the user (street; figure 9, element 5000 and element 5070);
- (9) comparing the third audible input (compare acoustic input) to the third data file to determine a selected street (location input; column 17, lines 1-17);
- (10) loading a fourth data file comprising a range of addresses (figure 8, element 7000; column 2, line 37 with column 14, line 66 – column 15, line 9);

6. **Claims 6, 12, 14, 20-21 and 27-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ishii et al. (U.S. Patent No. 6,067,521), hereinafter referenced as Ishii.

Regarding **claim 6**, Kato discloses the method and system, further comprising:
loading a last data file in addition to the presently loaded data file (figure 2);
comparing a last audible input to the loaded data files (comparing information received) to determine a last selected locality (information identifying location; column 4, lines 34-43); and

determining the location information based on the selected localities (makes a decision based on comparison of received location information; column 4, lines 34-64), but lacks repeating the comparing and loading steps a predetermined number of times.

Ishii discloses a method a system wherein steps are repeated a predetermined number of times (speech repeatedly inputted a predetermined number of times; column 19, lines 24-28), to obtain a high recognition degree order.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it repeats steps a predetermined number of times, to recognize object words recognized by a continuous input audio signal, so that a recognizing state at that time can be easily judged.

Regarding **claims 12, 14, 20- 21 and 27-28**, they are interpreted and rejected for the same reasons as set forth in **claim 6**.

7. **Claims 8-9 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Heck (U.S. Patent No. 6,671,672).

Regarding **claims 8 and 23**, Kato discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks wherein the application data comprises authentication information.

Heck discloses the method and system, wherein the application data comprises authentication information (figure 1, element 22 with figure 3, element 39), to facilitate identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that the application data comprises authentication information, to identify a person based on voice authentication, PIN, etc., to provide security (column 1, lines 13-26).

Regarding **claims 9 and 24**, Kato discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks the method and system, wherein converting the audible input to application data further comprises:

- comparing the audible input to preexisting voice information corresponding to a predetermined person;

- determining authentication information corresponding to whether the user is the predetermined person; and

- (c) outputting the authentication information.

Heck discloses the method and system, wherein step (3) comprises the steps of:

(a) comparing the audible input to preexisting voice information corresponding to a predetermined person (column 1, lines 13-14 with column 4, lines 49-53);

(b) determining authentication information (PIN) corresponding to whether the user is the predetermined person (column 1, lines 13-26 and column 4, lines 37-39);
and

(c) outputting the authentication information (column 1, lines 49-56)), to facilitate identification.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that the application data comprises authentication information, to identify a person based on voice authentication, PIN, etc., to provide security (column 1, lines 13-26).

8. **Claims 36-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Ishii, in further view of Heck.

Regarding **claims 36-50**, Kato in view of Ishii discloses a mobile telecommunications network and a system for providing voice channel services in a wireless telecommunication network, but lacks disclosing the method further comprising the steps of:

authenticating a user based on the audible inputs

outputting the location information responsive to the user being successfully authenticated.

Heck discloses the method further comprising the steps of:

(f) authenticating a user based on the audible inputs (based on voice; column 1, lines 13-14), but lacks specifically (g) *outputting the location information* responsive to the user being successfully authenticated.

Instead, Heck discloses outputting the user provided password once the identity is verified (column 2, lines 25-28).

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kato's invention such that it outputs the pertinent information (e.g. location information) once the user is successfully authenticated, to facilitate identification prior to releasing personal information (i.e. redeem investments, transfer balances, etc.), as taught by Heck (column 1, lines 13-26).

9. **Claims 54 and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Class in view of Cupps.

Regarding **claims 54 and 58**, Class discloses the method and system further comprising:

(11) receiving a fourth audible input from the user (figure 8, element 7050);

(12) comparing the fourth audible input to the third and fourth data files to determine one of a selected cross-street and a selected address (figure 8); and

(13) determining whether the selection from step (12) is a valid selection (column 14, lines 24-31), but lacks (14) generating location coordinates from the selected state, city, street, and cross-street or address.

Cupps does not specifically disclose generating location coordinates from the selected state, city, street, and cross-street or address. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Class's invention such that it discloses coordinates^S from zipcodes, cities etc., as taught by Cupps, to specify geographic location thereby enabling location to be found in international locations as well as United States (column 6, lines 19-38).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2655

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571.272.7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
June 28, 2005


SUSAN MCFADDEN
PRIMARY EXAMINER